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**FEB 22 2005**

**OFFICE OF PETITIONS**

In re Application of :  
Lindholm et al. :  
Application No. 10/759,244 : ON PETITION  
Deposited: January 20, 2004 :  
Attorney Docket No.: .032469-007 :  
Title of Invention: OSTEOGENIC :  
DEVICE AND A METHOD FOR PREPARING :  
THE DEVICE :

This is a decision on the Petition for Filing Date filed October 29, 2004, requesting that the above-identified application be accorded the filing date of January 20, 2004.

Application papers in the above-identified application were deposited on January 20, 2004. However, on September 14, 2004, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application", notifying applicant that the application papers had not been accorded a filing date because the application was deposited without a specification.<sup>1</sup>

In response, 52 pages of specification and three pages of claims and the present petition were filed on October 29, 2004. The petition contends that the application as filed included 52 sheets of specification and three pages of claims. In support, the petition is accompanied by a copy of applicants' postcard receipt which acknowledges receipt in the office of "Specification (1-52) and Claims (claims 1-15, 3pgs)" on January 29, 2004.

Applicant's postcard receipt is prima facie<sup>2</sup> evidence that the

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<sup>1</sup>See 35 U.S.C. 111(a)(4)

<sup>2</sup>A postcard receipt which itemizes and properly identifies the items which are being filed serves as prima facie evidence of receipt in the office of all items listed thereon. See MPEP 503.

specification and claims were received on January 20, 2004. The specification and claims have been located in the application files.

The petition is Granted. No petition fee has been charged.

The application will be returned to the Office of Initial Patent Examination for further processing with a **filing date of January 20, 2004**, using the 52 sheets of specification and three sheets of claims supplied on January 20, 2004.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3215.

A handwritten signature in cursive script, appearing to read "Charlema R. Grant".

Charlema R. Grant  
Petitions Attorney  
Office of Petitions